

BILL # HB 2780

TITLE: board of behavioral health examiners

SPONSOR: Reagan

STATUS: As Introduced

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FISCAL ANALYSIS

Description

The bill would require the Board of Behavioral Health Examiners to issue or deny a license within 180 days of submission by an applicant. The bill would require the Ombudsman-Citizens Aide to assist applicants and licensees in resolving conflicts with the board and the bill allows the board to establish a fee to pay for these costs. The bill requires individuals who do not meet current reciprocity requirements to be issued a corrective plan by the board and allows such individuals to be granted a provisional license. The bill restricts the type of information that the board can post on its web site regarding pending complaints against licensees. The bill would limit the board's access during investigations to information and documents relevant to a specific complaint. The bill creates a grandfather clause that waives the documentation of supervision requirements for individuals meeting a set of specified criteria. The bill requires the board to consider certain equivalencies in determining applications for reciprocity.

Estimated Impact

The fiscal impact of this legislation cannot be determined with certainty due to a lack of data about the number of individuals that might become applicants or use other services of the board solely as a result of the bill. Of the bill's known fiscal impacts, the Board of Behavioral Health Examiners estimates increased expenditures of \$245,000 and 2.0 FTE Positions from the Board of Behavioral Health Examiners Fund in FY 2007. Of these expenditures, the board estimates that \$100,000 are one-time costs.

The fiscal impact of certain provisions is unknown. Under the bill, the board is allowed to implement a new fee for Ombudsman-Citizens Aide services, however the board cannot estimate a likely level of usage for this service. The board is allowed to establish a new fee for provisional licenses, but is not able to estimate the number of individuals that might be granted this kind of license. The bill would also allow an undetermined number of unlicensed professionals to be granted licenses and pay fees.

Analysis

The Board of Behavioral Health Examiners currently processes applications within 270 days of submittal. The board indicates that the reduction of processing time to 180 days, as required by the bill, would not affect the majority of applications since these are already processed within that time-frame. However, the small number of licensure applications that require background investigations into an applicant's history can be resource intensive and can cause the application process to run nearly the full 270 days. The board conducted 173 background investigations in FY 2005. The board estimates it would require an additional \$25,000 and 0.5 FTE Positions to conduct all background investigations within 180 days.

The bill requires the Ombudsman-Citizen's Aide to assist applicants and licensees with application, renewal and investigation conflicts with the board. The bill also allows the board to establish a fee to pay for Ombudsman services. The board was unable to estimate a usage level for these services, but estimates one-time rule writing costs of \$10,000 associated with this provision. The fee would be charged to all licensees, which are estimated to be 700 applicants and 3,700 license renewals in FY 2007.

The bill requires the board to provide applicants with a corrective plan outlining application deficiencies preventing the applicant from obtaining licensure. It allows the board to issue applicants a provisional license to practice while they take action to cure application deficiencies. The board does not currently prepare corrective plans or issue corrective licenses. The board estimates that these changes would require one-time rule writing costs of \$10,000. The board estimates it would require an additional \$25,000 and 0.5 FTE Positions to hire credentialing staff to provide these services. The board would collect additional revenue from any provisional licenses that are issued, however the number of potential licensees is not known.

The bill prohibits the board from posting information on its web site regarding complaints being reviewed by a credentialing committee. It requires the board to issue a disclaimer once complaint information is published. The board indicates that it is required to give notice of pending complaints and to identify complaint issues by the licensee's name on the board's agendas and minutes in order to give the public sufficient notice regarding topics to be discussed by a public body. Issuing these documents in a different format, such as e-mails or faxes, would require additional resources. The board estimates it would require an additional \$20,000 and 0.5 FTE Positions to hire staff to provide information and respond to requests for agendas and minutes.

The bill would limit the information and documents the board could access during investigations to those related to a specific complaint. Currently, the board can access all information and documents related to the unauthorized practice of behavioral health or to the competence, unprofessional conduct or mental or physical ability of a licensee to safely practice, even if the inquiry is not directly related to a pending complaint. Under the bill, the board could still investigate problematic conduct, but it would have to open a separate complaint in order to do this. Although the board could not estimate any direct costs related to this change, it anticipates an increase in administrative costs and potential adverse economic impact on licensees who would have multiple, rather than single, complaints on their records.

The bill would create a grandfathering period ending on July 1, 2007. During this period, the board is required to waive its documentation of supervision requirements for licensure applicants meeting a specified set of criteria. The board contends that the bill's language does not identify the supervision documentation requirements that it must waive. The board feels that the proposed language will force it to review numerous appeals by applicants with supervision deficiencies seeking licensure. The board anticipates that these appeals would be time consuming and would require additional resources. An applicant denied licensure after 2 appeals before a credentialing committee has the right to request a formal administrative hearing. The board conducted 16 formal administrative hearings in FY 2005 regarding denial of certification applications. The board's estimated cost for each of these hearings was \$4,000. The board anticipates conducting 20 formal administrative hearings regarding the denial of applicants seeking licensure pursuant to the new grandfathering period. The estimated one-time cost of these hearings is \$80,000.

The board is not able to accurately estimate how many new applications would be received under the new grandfathering period. The board estimates that the previous grandfathering period which ended on June 30, 2004 generated a large number of applications. Although the number of applications generated from a second grandfathering period might be fewer than the first, the board nevertheless expects that a potentially large number of applications may be submitted. Based on its previous experience with applicants seeking to be grandfathered into licensure, the board estimates the cost of additional credentialing staff to process increased applications and appeals would be \$50,000. The estimated cost of additional investigative staff to process increased application investigations would be \$25,000 and 0.5 FTE Positions.

The bill requires the board to consider an applicant's educational, supervised work experience and clinical supervision equivalencies in determining if an applicant meets the requirements for reciprocity. The board estimates that this change will not have a fiscal impact.

The following table summarizes the known costs of the bill.

	FY 2007	
	<u>Total Cost</u>	<u>One-Time Cost</u>
Conduct background investigations within 180 days	\$ 25,000	\$ 0
Ombudsman rule writing	10,000	10,000
Issue corrective plans & provisional licenses	35,000	10,000
Website information change	20,000	0
Grandfathering period - Appeals	80,000	80,000
Grandfathering period - Credentialing staff	50,000	0
Grandfathering period - Investigative staff	<u>25,000</u>	<u>0</u>
Total	\$245,000	\$100,000

Local Government Impact

None.